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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**

**CENTRAL DIVISION**

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**DENNIS R. FRANKE,**

**Plaintiff,**

**vs.**

**ARUP LABORATORIES, et al.,**

**Defendants.**

**ORDER**

Case No. 2:07CV73DAK

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This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Samuel Alba under 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge Alba issued a Report and Recommendation on February 26, 2008, concluding that Defendant has not been properly served in this case. Accordingly, Magistrate Judge Alba recommended that Defendant's Motion for Default Judgment be denied.

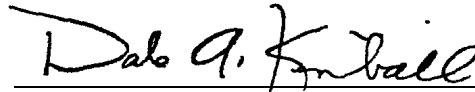
The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation was required to be filed within ten days of receiving it. The time for filing an objection has passed and no objection has been filed to the Report and Recommendation.

Since the passing of the deadline for objections to be filed, the court has reviewed the file *de novo*. The court fully agrees with the analysis contained in Magistrate Judge Alba's Report and Recommendation. Therefore, the court approves and adopts the Magistrate Judge's February 26, 2008 Report and Recommendation in its entirety. Accordingly, Plaintiff's motion for default

judgment is DENIED.

DATED this 17th day of March, 2008.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive style with a horizontal line extending from the end of the name.

DALE A. KIMBALL

United States District Judge